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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/773,953

02/01/2001

Hiroshi Ono

P/647-137

9136

7590

07/20/2004

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EXAMINER

NGUYEN, DUC M

ART UNIT

PAPER NUMBER

2685

11

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,953

Applicant(s)

ONO, HIROSHI

Examiner

Duc M. Nguyen

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2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6 and 9-24 is/are pending in the application.
- 4a) Of the above claim(s) 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,9-16 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is in response to applicant's response filed on 5/12/04. Claims 1, 4-6, 9-24 are now pending in the present application. **This action is made final.**

Election/Restrictions

1. Newly submitted claims 17-18 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The invention has separate utility such as a second interface for providing data communication with the Internet through means other than radio communication of the first interface, and the two interfaces can be selectively used for acquiring content from the Internet.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17-18 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1, 4-6, 9-16, 19-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shimoda** et al (US **6,397,079**) in view of Applicant's admitted prior art (Fig. 14 and pages 1-10), hereafter, AAPA.

Regarding claim **1**, **Shimoda** discloses a radio terminal (cellular phone) with enhanced capabilities through the use of a computer (external server) which is used for converting data into another format such as language translation or encryption functions which may not be feasibly implemented in cellular phones of relatively small size (see Abstract and col. 1, line 55 – col. 3, line 35), this would obviously comprise content acquisition, content transferring and content conversion means as claimed. However, **Shimoda** fails to disclose the data is acquired from the Internet network. However, such Internet acquisition is well known in the art as disclosed by AAPA (see pages 1-10). Therefore, it would have been obvious to one skill in the art to provide the above teaching of AAPA to **Shimoda** for downloading encrypt information from Internet as well, thereby providing a data conversion by the computer as claimed, for utilizing advantages of the Internet network such as low cost, global information available in real-time.

Regarding claim **4**, it is rejected for the same reason as set forth in claim 1 above. In addition, it is clear that if the data does not contain encrypted data, the radio terminal would obviously decode the data without transferring the data to the computer for converting, thereby result in a determination means as claimed.

Regarding claim **5**, it is rejected for the same reason as set forth in claim 4 above. In addition, it is clear that when receiving a data message, the radio

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terminal would obviously decode the header of the data message to determine whether the data message comprises encrypted information, the decoded header would read on "reconstruct in advance at least part of contents of the content" as claimed. Therefore, it would have been obvious to one skill in the art to modify the above teaching of AAPA to Shimoda for decoding the header of the data message to determine whether the data message comprises encrypted information before transferring the encrypted information to the computer for decrypting, for eliminating unnecessary data transfer.

Regarding claim 6, it is rejected for the same reason as set forth in claim 1 above. In addition, it is clear that when receiving a command from user (voice activated or speech recognition dialing feature), **Shimoda** as modified would disclose the external server request and acquires the content from the Internet in response to the content acquisition request as claimed (see col. 2, line 25-40).

Regarding claims 9, 12, 19-20, the claims are interpreted and rejected for the same reason as set forth in claim 1 above.

Regarding claim 10, it is rejected for the same reason as set forth in claim 9 above. In addition, with the broadest reasonable interpretation, the controller or processor the radio terminal in Shimoda's reference would read on the "internal server" as claimed.

Regarding claims 11, 15, the claims are interpreted and rejected for the same reason as set forth in claim 6 above.

Regarding claims 13, 21, the claims are interpreted and rejected for the same reason as set forth in claim 4 above.

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Regarding claim **14**, the claim is interpreted and rejected for the same reason as set forth in claim 9 above.

Regarding claim **16**, it is rejected for the same reason as set forth in claim 12 above. In addition, Shimoda discloses a cable or wireless communication as claimed (see Fig. 5, col. 3, lines 35-47).

Regarding claim **22**, the claim is interpreted and rejected for the same reason as set forth in claim 5 above.

Regarding claim **23**, it is rejected for the same reason as set forth in claim 9 above. In addition, it is clear that the encrypted information would be received at the computer for decryption.

Regarding claim **24**, the claim is interpreted and rejected for the same reason as set forth in claim 6 above.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stricklin et al (US Pat No. 5,444,869), Method and apparatus in a communication device for automatic transfer of control from an internal processor to an external computer..

5. **Any response to this final action should be mailed to:**

Box A.F.

Commissioner of Patent and Trademarks

Washington, D.C. 20231

or faxed to:

703-872-9314 (for formal communications intended for entry)

(for informal or draft communications, please label PROPOSED or DRAFT)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

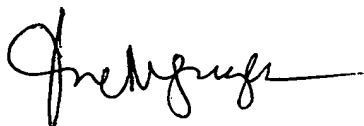
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc M. Nguyen whose telephone number is 703-306-4531. The examiner can normally be reached on Monday-Thursday (9:30 AM – 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Duc M. Nguyen
July 11, 2004

A handwritten signature in black ink, appearing to read 'Duc M. Nguyen', with a long horizontal line extending to the right.